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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,524	11/15/2000	Ayad Beghdad		3620

2512 7590 03/19/2010  
Perman & Green, LLP  
99 Hawley Lane  
Stratford, CT 06614

EXAMINER
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MEI, XU

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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03/19/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/713,524	<b>Applicant(s)</b> BEGHDAD, AYAD	
	<b>Examiner</b> Xu Mei	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 46-86 is/are pending in the application.
- 4a) Of the above claim(s) 46-69 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 70-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This communication is responsive to the applicant's response dated 12/21/2009.

#### *Election/Restrictions*

2. Applicant's election without traverse of claims 70-86 in the reply filed on 12/21/2009 is acknowledged.

Claims 46-69 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/21/2009.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 70-86 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 70, 77, 84, 85 and 86 contain "an estimate of speech together with some but not all of the noise". It is unclear what is considered as "some but not all of the noise" and how such "estimate" is being obtained.

Claims 70, 77, 84, 85 and 86 recite "the gain of the signal containing noise".

There is insufficient antecedent basis for this limitation in the claims.

Claims 70, 77, 84, 85 and 86 contain "wherein no use is made of voice activity detection/a voice activity detector to detect non-speech periods". It is unclear what the meaning of this limitation is.

Claim 71 contains "the speech together with some noise", "a desired amount of noise". It is unclear as to what is being referred to as "some noise" and "desired amount of noise", and how such is being obtained.

Claims 71-74 contain "the level of the noise". There is insufficient antecedent basis for this limitation in the claims. And it is unclear as to what particular level for the noise is being referred to.

Claim 72 contains "an acceptable level of context information". It is unclear to what is being referred to as the "acceptable level" and what the "context information is.

Claim 74 contains "the mask limit of the speech". There is insufficient antecedent basis for this limitation in the claims.

Claim 74 contains "so some noise context information". It is unclear to what is being referred to as "some noise context information", and how it is being left in the signal as claimed.

Claim 78 contains "the speech together with some noise", "a desired amount of noise". It is unclear as to what is being referred to as "some noise" and "desired amount of noise", and how such is being obtained.

Claim 78 contains "the speech together with some noise", "a desired amount of noise". It is unclear as to what is being referred to as "some noise" and "desired amount of noise", and how such is being obtained.

Claims 78-81 contain "the level of the noise". There is insufficient antecedent basis for this limitation in the claims. And it is unclear as to what particular level for the noise is being referred to.

Claim 79 contains "an acceptable level of context information". It is unclear to what is being referred to as the "acceptable level" and the "context information".

Claim 81 contains "the mask limit of the speech". There is insufficient antecedent basis for this limitation in the claims.

Claim 81 contains "so some noise context information". It is unclear to what is being referred to as "some noise context information", and how it is being left in the signal as claimed.

### ***Conclusion***

5. Since the metes and bounds of claims 70-86 can not be determined due to the indefiniteness of the limitations in claims 70-86 as listed above, prior art rejections on claims 70-86 can not be determined at this time.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on maxi flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xu Mei/  
Primary Examiner, Art Unit 2614  
03/13/2010